

May 18, 2009

VIA E-MAIL

Rick Bernhardt, Executive Director
Metropolitan Planning Commission
Metro Office Building
800 Second Avenue South
Nashville, TN 37201

Re: Proposed May Town Center SP Council Bill

Dear Rick:

On behalf of a group of Nashvillians living in the Bells Bend/Scottsboro area, I am writing regarding the above referenced application and council bill. **In an attempt to avoid any confusion, I am writing to you before Councilman Matthews files a bill related to this application or your office forwards a bill to the Council Office.**

As I am sure you are aware, Metropolitan Council Rule 19 states in pertinent part:

No zoning ordinance shall be filed with the Metropolitan Clerk unless such proposed legislation is accompanied with evidence that all fees required pursuant to the Metropolitan Code have been paid. (Metropolitan Council Rule 19)

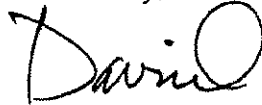
Among the fees that the Metropolitan Code requires are the water capacity and sewer capacity fees. I have attached a copy of a May 5, 2009, letter which details these fees for the proposed May Town Center development.

Since the Metropolitan Clerk customarily relies upon your agency to confirm that all fees have been paid, I am informing you that my clients believe that Metropolitan Council Rule 19 requires payment of the full amount of fees specified in this May 5, 2009, letter before a bill can be filed. In the event that your staff informs the clerk that all fees have been paid when in fact the water and sewer capacity fees have not been paid in full, my clients will pursue all legally available remedies at both the Metropolitan Council as well as in the Davidson County Courts.

Rick Bernhardt, Executive Director
May 18, 2009
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Please call if you have any questions or concerns about this issue.

Sincerely,

A handwritten signature in black ink, appearing to read "David", with a large, stylized loop at the end.

C. David Briley

CDB

CC: The Metropolitan Planning Commission
Enclosure

KARL E. DEAN
MAYOR



METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY

May 5, 2009

DEPARTMENT OF WATER AND SEWERAGE SERVICES
1600 SECOND AVENUE NORTH
NASHVILLE, TENNESSEE 37208-2205

Mr. Kevin F. Gangaware
Civil Site Design Group, PLLC
630 Southgate Avenue, Suite A
Nashville, TN 37203

Re: Sewer/Water Capacity Requirements, May Town Center, Old Hickory Boulevard, Map 79, Parcel 2, Map 89,
Parcels 32-34, Map 90, Parcels 1-3, 10, 11, 201 & 202, (1st Update)

Dear Mr. Gangaware:

Water and sanitary sewer will be available as requested on April 30, 2009, upon payment of capacity charges based on the projected 3,105,500 gallons per day average daily flow. Public water main extensions will be required for the proposed development. Pressure regulating devices will be required when pressures exceed 100 psi. The engineer must contact the Fire Marshal's Office regarding adequate fire protection. Public sewer main extensions and sewer pumping stations will be required for the proposed development. A perpetual maintenance fee for each sewer pump station will be assessed. This fee will be developed based on technical data provided by the engineer during the design phase of the proposed sewer pump station. Significant off-site water and sewer main improvements are required to serve this development. All easement acquisitions are the developer's responsibility. All required improvements are at the developer's expense.

Service can be made available by payment of the charges as follows:

<u>Commitment</u>	<u>Water Capacity Charge</u>	<u>Sewer Capacity Charge</u>	<u>Total Capacity Charge</u>
1 Year	\$ 665,000 (30%)	\$1,996,425 (30%)	\$2,661,900 (30%)
2 Years	\$1,220,038 (55%)	\$3,660,113 (55%)	\$4,880,151 (55%)
Perpetuity	\$2,218,250 (100%)	\$6,654,750 (100%)	\$8,873,000 (100%)

A minimum of 30% of these non-refundable charges must be paid within 90 days of this letter to Metro Water Services, Permits Office, Metro Office Building, 800 Second Avenue South, Nashville, TN 37210. Upon receipt of these fees, we will issue the formal availability letter. Our Department must receive the entire capacity fee prior to issuing water/sewer connection permits.

If you have any questions, please contact me at (615) 862-4570 or by email at michael.morris@nashville.gov.

Sincerely,

Michael D. Morris, P.E.
Engineer 3

cc: Mr. Scott A. Potter, P.E., Water Services Director
Mr. Cyrus Q. Toosi, P.E., Assistant Director - Engineering
Mr. Alan W. Hand, P.E., Engineer 2
Ms. Mary Ellen Jackson, Customer Service Assistant Manager-Permits
Mr. Robby Ervin, System Services Assistant Manager
Mr. Lonnell Matthews Jr., Council District 1



If you need assistance or accommodations, please contact Metro Water Services,
Mr. Joseph A. Estes Sr. at (615) 862-4862, 1600 Second Avenue North, Nashville, TN 37208.



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ALLARD WARD ARCHITECTS LLC

May 18, 2009

Planning Commissioners
Metropolitan Planning Commission
Nashville, TN

RE: Proposed May Development on Bell's Bend

Planning Commission Members,

I know you labor hard over contentious issues, often trying to weigh competing objectives. As an architect, I am very familiar with the fray of planning and zoning issues, and the frequent concern of citizens over *any* change, to the point where it can be problematic for really good growth and development. I feel compelled to write about this particular development, as I do not believe that is the case here.

The development itself has been done with some care, but it simply is in the wrong place. This is truly a unique part of Nashville, and if it is allowed to develop this intensely, it will be a permanent loss to the community.

Sincerely,

David Preston Allard, AIA, FAUA, LEED AP

Matthew G. Smith
4016 Dexter St,
Philadelphia, PA 19128

May 18, 2009

To the Planning Commission:

I can't believe that Maytown is being touted as "green"! The first principle of "green" is not to use pristine farmland that is inaccessible and has no existing infrastructure.

This would be an excellent idea somewhere else—someplace with roads, sewer, water, and electricity and some hope that it could actually be a success.

Maytown would be a bust, and, if it's built in a cow pasture, is certainly not "green".

I have visited my friend's family who owns Sulfur Creek Farm located in Bell's Bend, and I fell in love with the place. I cannot understand why anyone would want to destroy it. Please save Bell's Bend.

Sincerely,

Matthew G. Smith